

Attorney Docket No. SOM920000015US1REMARKS

The present application was filed on December 28, 2000 with claims 1-44. Claims 15 and 23 have been canceled and claims 1-14, 16-22 and 24-44 remain pending. Claims 1, 7, 14, 22, 27, 33 and 39-44 are the pending independent claims.

In the outstanding final Office Action dated June 6, 2005, the Examiner: (i) rejected claims 39-44 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,665,870 to Finseth et al. (hereinafter "Finseth") in view of U.S. Patent No. 6,020,880 to Naimpally (hereinafter "Naimpally"); (ii) rejected claims 14, 16, 17, 19-22, 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of U.S. Patent No. 6,240,555 to Shoff et al. (hereinafter "Shoff") and Naimpally; (iii) rejected claims 1-4, 6, 27-30, 32, 33-36 and 38 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of U.S. Patent No. 6,367,078 to Lasky (hereinafter "Lasky") and Naimpally; (iv) rejected claims 7-11 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Shoff, Lasky and Naimpally; (v) rejected claims 5, 31 and 37 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Lasky, Naimpally and U.S. Patent No. 6,005,597 to Barrett et al. (hereinafter "Barrett"); (vi) rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Shoff, Lasky, Naimpally and U.S. Patent No. 6,714,722 to Tsukidate (hereinafter "Tsukidate"); (vii) rejected claims 18 and 26 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Shoff, Naimpally and Tsukidate; and (viii) rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Shoff, Lasky, Naimpally and U.S. Patent No. 6,732,369 to Schein et al. (hereinafter "Schein").

In this response, Applicants traverse the §102(e) and §103(a) rejections. Applicants respectfully requests reconsideration of the present application in view of the following remarks.

With regard to the §102(e) rejection, it is well-established law that "[a] claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." See, e.g., Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See also, M.P.E.P. §2131. Applicants assert that a combination of Finseth and Naimpally is not a single prior art reference and that the combination also fails to teach or suggest each and every element respectively recited in

Attorney Docket No. SOM920000015US1

claims 39-44. Thus, the §102(e) rejection of claims 39-44 based on Finseth in view of Naimpally clearly fails to meet the above legal requirements for anticipation. Support for this assertion follows.

Independent claim 39 recites a broadcast server in a television system having a correspondence table storing means for a dynamic table of correspondence between television program categories and television channel numbers. The broadcast server also has creation means for hyperlinking information which contains a list of channels broadcasting the same nature of program by referencing the correspondence table. The broadcast server also has transmitting means for hyperlinking information to television devices. Upon successfully processing the broadcast hyperlinking information for display on a television screen, a viewer surfs among the channels specified in the hyperlinking information as selected by the system based on a profile of the viewer and a program classification category selected by the system from a plurality of classification categories for the program being viewed.

The Examiner contends that Finseth discloses each of the limitations of independent claim 39 except for the selection of the related program by the system based on a profile of the viewer and a program classification category selected by the system from a plurality of classification categories for the program being viewed. This admission by the Examiner alone illustrates that the rejection of claims 39-44 clearly fails to meet the above legal requirements for anticipation. The Examiner further contends that the limitations not disclosed in Finseth are provided in Naimpally. Applicants respectfully disagree.

Naimpally discloses a method and apparatus for requesting, receiving, processing and providing information containing substantially all of the television information for a region from a dedicated electronic program guide server (EPGS) to a television viewer. The Examiner contends that information is filtered by the service provider and/or television receiver based on selected program categories and a user provided profile.

However, in column 6, lines 44-56, Naimpally states that the amount of data obtained from the EPGS may be limited by means of a viewer profile provided to the EPGS during user subscription initialization, and which may contain program preferences. "The program preferences may delete any particular form of programming, such as all sports programming or programs rated

Attorney Docket No. SOM920000015US1

R or TV M for example, and include any form of programming, such as classical music programs,” lines 52-56. Thus, the selected program categories referred to in Naimpally and relied upon by the Examiner are selected by the user during subscription initialization as a means to limit the amount of data obtained by the electronic program guide. The list of channels provided to the user in Naimpally is not based on a classification category selected by the system for the program being viewed, and therefore, does not necessarily contain the same nature of program. This is further evidenced by the fact that the information provider in Naimpally is “separate and distinct from video signals received by the television receiver” (Abstract). Therefore, Naimpally fails to disclose that the hyperlinking information is selected by the system based on a program classification category selected by the system from a plurality of classification categories for the program being viewed.

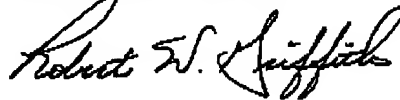
Independent claims 40-44 are patentable for at least the reasons presented above with regard to independent claim 39 and the Naimpally reference. Independent claims 40-44 recite the limitation of hyperlinking information selected by the system based on a profile of the viewer and a program classification category selected by the system from a plurality of classification categories for the program being viewed. Accordingly, withdrawal of the §102(e) rejection of claims 39-44 is therefore respectfully requested.

With regard to the rejections of claims 1-14, 16-22 and 24-38 under 35 U.S.C. §103(a), Applicants assert that independent claims 1, 7, 14, 22, 27 and 33 are patentable for at least the reasons presented above with regard to independent claim 39 and the Naimpally reference. Therefore, cited references Finseth, Shoff, Lasky, Barrett, Tsukidate, Schein and Naimpally taken either separately or in combination fail to disclose a system that selects a related program on its own based on a program classification category selected by the system from a plurality of classification categories for the program being viewed. Dependent claims 2-6, 8-13, 16-21, 24-26, 28-32 and 34-38 are patentable at least by virtue of their dependency from independent claims 1, 7, 14, 22, 27 and 33, and also recite allowable subject matter in their own right. Accordingly, withdrawal of the §103(a) rejections of claims 1-14, 16-22 and 24-38 is therefore respectfully requested.

Attorney Docket No. SOM920000015US1

In view of the above, Applicants believe that claims 1-14, 16-22 and 24-44 are in condition for allowance, and respectfully request withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,



Date: August 8, 2005

Robert W. Griffith
Attorney for Applicant(s)
Reg. No. 48,956
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-4547